In The Matter Of:

Long, D., v.
Epic Systems Corporation

Videotape 30(b)(6) Deposition of Brian W. Benz
February 25, 2016

For The Record, Inc.
Excellence In Court Reporting

Page 3

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN
_____

LONG, D.,
individually and on behalf
of all others similarly situated,

            Plaintiff,

   v.                              Case No. 15-cv-081

EPIC SYSTEMS CORPORATION,

            Defendant.
_____




            VIDEOTAPE 30(b)(6) DEPOSITION


                 BRIAN W. BENZ


              Madison, Wisconsin
              February 25, 2016




          Sarah Finley Pelletter, RPR
          Registered Professional Reporter
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1 VIDEOTAPE 30(b)(6) DEPOSITION of BRIAN W. BENZ,

2 a witness of lawful age, taken on behalf of the

3 Plaintiff, wherein D. Long is Plaintiff, and

4 Epic Systems Corporation is Defendant, pending in the

5 United States District Court for the Western District

6 of Wisconsin, pursuant to notice, before

7 Sarah Finley Pelletter, a Registered Professional

8 Reporter and Notary Public in and for the State of

9 Wisconsin, at the offices of Hawks Quindel, S.C.,

10 Attorneys at Law, 222 West Washington Avenue,

11 Suite 450, in the City of Madison, County of Dane,

12 and State of Wisconsin, on the 25th day of

13 February 2016, commencing at 9:01 in the forenoon.

14

15

16

17   A P P E A R A N C E S

18
CAITLIN M. MADDEN and KATELYNN M. WILLIAMS,
19 Attorneys, for HAWKS QUINDEL, S.C., Attorneys at Law,
       222 West Washington Avenue, Suite 450, Madison,
20   Wisconsin 53703, appearing on behalf of the
       Plaintiff.
21

22 JAY C. CARLE, Attorney,
   for SEYFARTH SHAW LLP, Attorneys at Law,
23   131 South Dearborn Street, Suite 2400, Chicago,
       Illinois 60603-5577, appearing on behalf of the
24   Defendant.

25

Page 2

1   I N D E X

2 Witness   Pages

3 BRIAN W. BENZ

4   Examination by Ms. Madden   4

5

6

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9

10   E X H I B I T S

11 No.   Description   Identified

12 39   Time Logging for Writers wiki sheet   38

13 40   Backup Policy wiki sheet   54

14 41   Difference between revisions of
          "Backup Policy" wiki sheet   63
15
    42   Document retention policy   65
16

17

18   (The original exhibits were attached to the original
       transcript, and copies were provided to counsel)
19

20

21

22

23

24
     (The original deposition transcript was filed with
25   Attorney Caitlin M. Madden)

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1   A P P E A R A N C E S

2

   KAIJA HUPITA, Attorney,
3 for EPIC SYSTEMS CORPORATION,
        1979 Milky Way, Verona, Wisconsin 53593,
4   appearing on behalf of the Defendant.

5

6 Also present: Connie Hansen, CLVS
                 Video Concepts, Inc.
7   (920) 787-5888

8   _____

9

10   BRIAN W. BENZ,
11   called as a witness, being first duly sworn,
12   testified on oath as follows:

13

14   EXAMINATION
15 By Ms. Madden:
16 Q   Good morning, Mr. Benz.
17   So can you please state and spell your name
18   for the record.
19 A   Brian Benz, B-r-i-a-n, B-e-n-z.
20 Q   And Mr. Benz, have you had a deposition taken
21   before?
22 A   Yes.
23 Q   And in what case?
24 A   There was a case against Attachmate, and another
25   case with wages and hours.

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1 Q   Both of those --
2 A   I don't know what to call it.
3 Q   Sorry. We'll go over the ground rules for myself.
4   The first one of course is to try and not to talk
5   over each other, which I just did, for the benefit
6   of the court reporter, to make sure that you give
7   verbal answers, a yes or no, and to answer all
8   questions to the best of your knowledge. And if I
9   ask a question that is unclear to you, please ask
10   me to clarify, because if you do answer a
11   question, then, I can assume that you've
12   understood what I was asking for.
13   Does that all make sense?
14 A   Yes.
15 Q   Great. And have you taken any medication today
16   that would stop you from being able to testify
17   clearly?
18 A   No.
19 Q   Okay. The cough drops aren't going to --
20 A   No.
21 Q   -- cause a problem? Good.
22   All right. Anything else that might hinder
23   your ability to testify today?
24 A   No.
25 Q   Okay. All right. Let's start with just a little

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1   background. What's your current position at Epic?
2 A   Manager of vendor relations.
3 Q   Okay. And how long have you been in that role?
4 A   Three months.
5 Q   Okay. So starting December --
6 A   Yes.
7 Q   -- 2015? And what was your previous role at Epic?
8 A   Group lead, computer and technology services.
9 Q   Okay. And computer and technology services being
10   a department at Epic?
11 A   Correct.
12 Q   Okay. And how long were you in that role?
13 A   Eight and a half years.
14 Q   Okay. And your previous employment, prior to
15   that?
16 A   Also at Epic, project manager.
17 Q   In what department?
18 A   User web.
19 Q   Can you tell me what that is?
20 A   It's our customer portal.
21 Q   Okay. Meaning a system through which customers
22   would access Epic's software?
23 A   Epic's documentation.
24 Q   Okay. Your job prior to that?
25 A   Also at Epic, trainer.

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1 Q   In which department?
2 A   Training.
3 Q   Okay. Who would you be training in that role?
4 A   Customers.
5 Q   Okay. Not Epic employees?
6 A   Also Epic employees.
7 Q   Okay. At about what time frame were you a
8   trainer?
9 A   September '03 to November '05. No, not quite
10   right. Sorry. January '03 to September '05.
11 Q   Okay. Was your previous employment also at Epic?
12 A   Yes.
13 Q   And in what position?
14 A   Implementation, in the clarity department.
15 Q   So similar to the current implementers who would
16   go out and implement Epic software for customers?
17 A   Similar.
18 Q   Okay. Can you just describe the difference?
19 A   My main duties were writing reports for customers,
20   not installing the software.
21 Q   Okay. Was your previous employment also Epic?
22 A   No.
23 Q   Okay. Where was that?
24 A   Trizetto, in Colorado.
25 Q   What time frame?

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1 A   It ended January of '02, started November '99.
2 Q   Okay. And what is your highest level of
3   education?
4 A   Master's degree.
5 Q   In what field?
6 A   Information systems.
7 Q   When did you get that degree?
8 A   2001.
9 Q   Okay. And from what institution?
10 A   University of Colorado in Denver.
11 Q   Okay. Let's go back to your current position,
12   which is in client relations, I think you said?
13 A   Vendor relations.
14 Q   Vendor relations. Okay.
15   And who -- to whom do you report?
16 A   Brian Berres.
17 Q   And what is his position?
18 A   Third-party relations, director.
19 Q   Okay. Can you just describe what your duties are
20   in that role?
21 A   I work with software vendors who want to interact,
22   integrate with our software at customer sites.
23 Q   Okay. And do people report to you?
24 A   No.
25 Q   No direct reports at all?

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1 A Correct.
2 Q Okay. So it's just a straight line from you to
3   Mr. Berres?
4 A Correct.
5 Q Okay.
6   All right. I'm going to hand you what was
7   previously marked in Mr. Martin's deposition as
8   Exhibit 1. You can take a look. And have you --
9   MS. MADDEN: I'm sorry, I don't
10   have a copy, but it's the notice.
11   MR. CARLE: That's fine.
12 Q It's the notice of deposition. Have you seen this
13   document?
14 A Yes, I have.
15 Q And when did you first see this document?
16 A In the last few months. I wouldn't be able to say
17   exactly when.
18 Q Okay. And I'll represent to you that this is the
19   notice that we served upon Epic for this
20   deposition to designate people to testify and bind
21   the company on various topics. If you can turn to
22   page 4, under the header February 25, 2016.
23   So these are the topics for which Epic has
24   designated you, topics 4, 5, 6, 7, 15, 16, 17, and
25   18.

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1   Have you had a chance to take a look at
2   these?
3 A Yes.
4 Q Okay. And do you understand that Epic has
5   designated you to bind the company with your
6   testimony today on these topics?
7 A Yes.
8 Q Okay. What did you do to prepare for this
9   deposition?
10 A Had some phone calls with counsel and experts
11   within these areas.
12 Q Okay. And I don't want to hear anything about the
13   contents of any of your conversations with
14   counsel, but how many conversations with counsel
15   did you have?
16 A Four to five, maybe more, a few more.
17 Q And would that be counsel internal to Epic or your
18   outside counsel?
19 A Both.
20 Q Who internal to Epic did you speak to other than
21   attorneys?
22 A For each one of these, or for --
23 Q If that's the best way to go through this, sure.
24 A I spoke to Kathy Hendrickson.
25 Q And what's her role?

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1 A She's in our payroll department.
2 Q Okay.
3 A Zach Lamers, software developer. Andy Dolan.
4   Angie Brooks. That's what I can remember now.
5 Q What is Andy Dolan's role?
6 A He's on our publication team.
7 Q So that would be the team that tech writers are
8   on, or is that a different team?
9 A I don't know the exact relationship between
10   publication and tech writers.
11 Q Okay. What sorts of publications does his team
12   create?
13 A I don't fully know their duties, but his
14   responsibilities, as I understand it, creating
15   documents that, then, are published to the user
16   web, for example.
17 Q The user web being what?
18 A Our customer portal.
19 Q And Angie Brooks you also mentioned; what's her
20   role?
21 A She's in our facilities department.
22 Q Can you describe just her duties -- her
23   responsibilities?
24 A Many, but the one that I dealt with her is manager
25   of the key card system.

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1 Q Okay. Anyone else you recall that you spoke to
2   besides counsel and these people that you've
3   identified?
4 A No.
5 Q Okay. Did you review any documents?
6 A Yes.
7 Q What documents?
8 A Counsel gave me a few documents to review, so I
9   don't know if I can reveal which documents.
10 Q I think you can tell me about the existence of
11   documents, unless they were created for the
12   purpose of the suit.
13   MR. CARLE: Go ahead, Brian.
14   That's fine.
15 A Okay. The -- our backup policy, both electronic
16   and paper, as well as the last deposition that we
17   did in a similar case. Looked at standard reports
18   out of our payroll system. And then, e-mails that
19   were exchanged about this case previously.
20 Q Okay. When you say standard reports, would those
21   be reports that you generated specifically for the
22   purposes of preparing for this deposition?
23   MR. CARLE: Objection. Leading.
24 A I did not prepare reports for this deposition.
25 Q I'll try and phrase it better. Do you know if

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1   those were reports that were prepared for the
2   purpose of the deposition?
3 A I do not know what -- all reports that were
4   prepared for this deposition.
5 Q Who gave you the standard reports you looked at?
6 A Kathy Hendrickson provided me with the list of
7   reports that are available from the system.
8 Q Okay. Did you take any notes in preparation for
9   this when you reviewed those documents?
10 A Yes.
11 Q And did you bring those with you today?
12 A No.
13 Q Okay. You discussed e-mails that you reviewed in
14   preparation for the deposition?
15 A Yes.
16 Q Okay. Do you recall with whom those e-mails were
17   exchanged?
18 A With Kaija and myself.
19 Q When did you first become aware of this lawsuit?
20 A My recollection is early 2014, May, April.
21 Q Okay. And outside --
22 A Or -- hang on. This is '16. So that would be
23   '15.
24   MR. CARLE: You're right.
25 A Sorry. I don't think this suit was filed in 2014,

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1   so I was not aware of it.
2 Q Outside of the preparation for this deposition
3   that we've just discussed, is there any other work
4   you have done specifically for this lawsuit?
5 A Repeat the question.
6 Q I'll ask it a little better.
7   Anything outside of your normal duties for
8   Epic that you have done, in terms of perhaps
9   creating reports, talking to people, for this
10   lawsuit?
11 A No. I think I understood the question.
12 Q All right. I'm going to get started on topic 4
13   about payroll software, if you want to take a look
14   at the notice.
15   So this topic is on Epic's payroll software
16   and record maintenance system. And what is your
17   basis for being able to speak to this topic?
18 A Can you clarify what you mean by basis?
19 Q What personal knowledge do you have, knowledge do
20   you have that allows you to speak on this topic?
21 A Familiarity from the last lawsuit that went
22   through and talking with Kathy Hendrickson.
23 Q What system does Epic use for its payroll?
24 A It's a third-party system called Ultimate
25   Software.

Page 15

1 Q And how long has Epic used Ultimate?
2 A Since January 2013.
3 Q What was used prior to January 2013?
4 A Great Plains.
5 Q And was Great Plains also a third-party?
6 A Yes.
7 Q Where is the information stored for the
8   Ultimate Software system?
9 A Today's terms, it's the cloud, in Ultimate's data
10   center.
11 Q Okay. So not an Epic-controlled cloud, it would
12   be Ultimate's cloud?
13 A Correct.
14 Q And do you know how that -- how Ultimate archives
15   that software -- I'm sorry -- the data?
16 A No.
17 Q Okay. Does Epic keep any archived records of
18   this -- I guess, let me start over.
19   How far back do those records go since you've
20   started using Ultimate Software?
21 A We imported some data from Great Plains into
22   Ultimate. I do not know exactly how far back it
23   goes. I looked at my records. It goes back to
24   when I started in two-thousand -- two? Yes.
25 Q Okay. So any, at least for your personal example,

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1   data that had been entered into the Great Plains
2   software has been migrated into Ultimate?
3 A Some of the data.
4 Q What data has not?
5 A I can't answer if it was all. That's too
6   absolute. But I know some of the data was pulled
7   over.
8 Q Okay. What data do you know was pulled over?
9 A My salary history. So pay raises along the way.
10   Job changes. Those are the ones I can think of
11   now.
12 Q What sort of -- I should back up. What kinds of
13   information is stored currently in the Ultimate
14   system?
15   MR. CARLE: I just want to clarify
16   the date range for the temporal scope for
17   this, the subjects of this is, what,
18   February 2012 through April 2014?
19   MS. MADDEN: Correct. Yes.
20 Q So for that time period, what types of data was
21   entered into the Ultimate system?
22 A Since it started in January 2013, it includes your
23   pay information per pay period, which for us is
24   monthly. So it would have your 401(k), your
25   taxes, dependents, health care, things along

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1   what's on a normal paycheck. It would have your
2   pay changes, for lack of better term, your raises,
3   along the time, what date that happened. Your
4   role changes, if you changed roles, would be in
5   there as well.
6 Q   Bonuses or any other kinds of incentive payment,
7   would they be in Ultimate?
8 A   Yes, your bonuses. We have a program
9   Stock Appreciation Rights. Those paychecks would
10   be in there as well -- or checks, not paychecks.
11   It has basic demographic information, name,
12   address, pieces like that.
13 Q   So because the time period for this lawsuit spans
14   that switch of software, payroll software, do you
15   know if the current system would have records
16   preceding January 2013 showing the salary history
17   and bonuses and payroll history?
18   MR. CARLE: Objection. I think
19   that misstates his prior testimony.
20 A   I'm going to have to ask you to rephrase that
21   question, please.
22 Q   Sure. You just said that right now the Ultimate
23   system keeps information about salary history, the
24   payroll, paychecks that people get, it includes
25   bonuses and incentive payments and things along

Page 18

1   those lines. And I'm wondering what of that type
2   of information would not be found -- would not be
3   found if you looked back pre-January 2013? I'm
4   just trying to understand if there's anything of
5   those categories that would have been lost since
6   the transition to the new system.
7 A   Uh-huh. As I understand it, the actual paychecks
8   themselves, the monthly pay amounts are not in
9   Ultimate but are in the Great Plains data still.
10 Q   When you say they're in the Great Plains data, is
11   that data that Epic still has access to somehow?
12 A   Correct.
13 Q   But it does not appear in the Ultimate?
14 A   As I understand, yes.
15 Q   Okay. So if I wanted to run a report -- well,
16   we'll start simply. If you wanted to run a report
17   for a single tech writer and determine what their
18   payroll history had been starting January 2013, is
19   that something that you could do through Ultimate?
20 A   Can you clarify payroll history?
21 Q   Sure. Just their monthly paychecks that they
22   received and any bonuses and other payments they
23   received from Epic.
24 A   I do not believe you could get that detail just
25   out of Ultimate.

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1 Q   Okay. What system would you need to use to get
2   that type of information?
3 A   You would also need Great Plains, the data from
4   Great Plains.
5 Q   Even if it was just January 2013 going forward?
6 A   I'm sorry if I missed that you clarified a date.
7   So can we ask the original question again?
8 Q   Sure. If you just started on January 2013 going
9   to the present -- or to April 2014, the scope of
10   this case, in that period, could you run such a
11   report getting the payroll history for a tech
12   writer out of Ultimate?
13 A   Yes.
14 Q   Okay. And if you wanted to get a similar history
15   going back to say 2012, what would you need to do
16   in addition to get that information?
17 A   You would pull that data from Great Plains.
18 Q   Okay. But that's something that can be done?
19 A   What can be done?
20 Q   Pull the data from Great Plains?
21 A   Yes.
22 Q   How would you go about doing that?
23 A   That data is stored in a SQL database, so we would
24   have someone run a query against that report -- or
25   against that data.

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1 Q   And again, you're not quite sure how far back that
2   data goes for the Great Plains data?
3 A   No.
4 Q   Okay. Do you know if it would cover the scope of
5   this lawsuit, so go back to February 2012?
6 A   Yes.
7 Q   You do know that it would?
8 A   Yes.
9 Q   Okay. So I had asked you about running a report
10   for a single technical writer. Could you also
11   query against SQL to run a report for all
12   technical writers? And I'll start with using the
13   Great Plains software. So all people in that job
14   position for a specified time period.
15 A   Which report are we running?
16 Q   Through Great Plains, to get their payroll
17   history.
18 A   So, yes, you could choose multiple people.
19 Q   How?
20 A   SQL query. So add more people to the clause of
21   who you want to pull data for.
22 Q   Would you need the list of names to do that, or
23   could you do it by the job title?
24 A   You could do it by job title.
25 Q   Okay. So you could put in technical writer, if

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1   that's the term used in SQL, and pull everyone who
2   had that job title in the Great Plains software
3   and run that payroll report?
4 A For the period at which they were called a tech
5   writer, yes.
6 Q Can you clarify what you mean by that?
7 A People change roles.
8 Q Okay.
9 A So the data is tracked, so it said when were they
10   a tech writer and when were they not a tech
11   writer. So we could pull the period for which
12   they were a tech writer.
13 Q Okay. That's a good clarification. So if you had
14   an individual who started as a tech writer and
15   then switched to a QAer, only the data for which
16   they were a tech writer would be pulled in that
17   query you just described?
18 A We could write the query such that that happened.
19   Yes.
20 Q Okay. How long do you think it would take to run
21   a report like that for all technical writers?
22 A For all technical writers? During that time
23   period?
24 Q Correct, the Great Plains time period.
25 A I do not know. Hour, two.

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1 Q Okay. Have you been asked to run any report like
2   that?
3 A No.
4 Q Do you know if anyone at Epic has been?
5 A No.
6 Q Okay. Same type of query but for the
7   Ultimate Software. Could you -- well, first off,
8   is Ultimate also a SQL database, or is it
9   something else?
10 A Ultimate is hosted by Ultimate. So I do not know
11   the exact back-end, but we can get to the data
12   similarly.
13 Q So you could also run a report for all technical
14   writers or people holding that -- for when they
15   held the title technical writer, starting
16   January 2013 to April 2014, and get their payroll
17   history?
18 A Yes.
19 Q And do you also estimate that would maybe take a
20   couple of hours?
21 A Yes.
22 Q Okay. So we've discussed these reports that you
23   could run from Ultimate and from Great Plains, and
24   what I didn't ask was what format that report
25   would end up in. Could you get it in an Excel

Page 23

1   format?
2 A Yes.
3 Q Would it automatically be that way, or would you
4   have to do some type of conversion?
5 A We could make it comma separated, which then could
6   be imported into Excel.
7 Q Okay. And how difficult would that be to do?
8 A Wouldn't add much to the process.
9 Q Okay. Are there any other systems that Epic has
10   used during this time period we're discussing,
11   February 2012 to April 2014, in which payroll
12   information was stored?
13 A Not that I'm aware of.
14 Q Okay. Just these two.
15   Okay. I'm going to actually jump on to
16   topic 6, which is discussing human resources
17   software and record maintenance systems. Can you
18   list what HR systems Epic uses right now to keep
19   information about its employees?
20 A I'm going to have to ask you to clarify human
21   resources systems. That's a little bit broad. So
22   if you could specify what type of data maybe
23   you're looking for.
24 Q Sure. Information like dates of employment,
25   salary, managers, that people held, the job titles

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1   that they held, perhaps any hiring information
2   that Epic might maintain for people.
3 A Okay. So we talked about salary.
4 Q Uh-huh.
5 A That's in the payroll system.
6 Q Okay.
7 A Dates of hire, roles, managers, that type of
8   information is stored in a homegrown system. We
9   call it Guru.
10 Q Okay.
11 A Back-end is a SQL database.
12 Q What other types of information are found in Guru?
13 A Related to HR, it's when they were hired, things
14   like what office they had, phone number, who they
15   reported to, what role they had, vacation, sick,
16   trips they took, things along those lines.
17 Q Okay.
18 A I'm trying to think of more. Yeah.
19 Q And salary information you said would be in there?
20 A Not in Guru. Salary is in the payroll systems
21   that we've previously discussed.
22 Q Okay. Bonuses?
23 A No.
24 Q Would be just in Ultimate or Great Plaines?
25 A Correct.

Page 25

1 Q Okay. And how is that information in Guru
2   historically stored? Could you look back at an
3   individual employee's entire record of that
4   information?
5 A That information is not purged. So yes.
6 Q Okay. Ever? It's never purged?
7 A As far as I'm aware, it's never purged.
8 Q Okay. And I can't recall now if you specified,
9   but would interview materials be something that
10   you would find in Guru?
11 A Not in Guru.
12 Q Where would that be?
13 A Which time period?
14 Q Well, we'll start with the present. I know that's
15   not quite in the scope of this, but then we can
16   perhaps work back and figure out the changes in
17   the systems.
18 A Okay. Interview material and that type of
19   information is within a program we call Avature,
20   cloud-based system owned by Avature.
21 Q And how long -- when did Epic start using Avature
22   for that information?
23 A I know -- it's either August of '14 or August of
24   '15. Either way, it was outside the scope of this
25   case.

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1 Q Yes. Okay. So prior to Avature, what was being
2   used?
3 A A different cloud-based system, Taleo.
4 Q Can you spell that?
5 A T-a-l-e-o.
6 Q And that's also a third-party system, or is that
7   something Epic developed?
8 A Third-party system.
9 Q Okay. And what kind of information -- or what
10   time period was Taleo used?
11 A Why can't I remember dates today. It was through
12   the course of this, once, I want to say, we
13   started it in '11 until when we switched to
14   Avature.
15 Q Okay. What sorts of information would be stored
16   in Taleo?
17 A Job requisitions, job descriptions, job postings,
18   that type of information.
19 Q What's job requisitions?
20 A As I understand the term to mean, it's the process
21   for having a job basically approved or authorized.
22 Q So a manager may say I need more people in this
23   area, and they would make a job requisition, that
24   sort of situation?
25 A I do not know how the process actually works to

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1   get there.
2 Q Okay. What about -- so what about application
3   materials from people who applied to work at Epic,
4   would they be found in Taleo?
5 A What type of application materials?
6 Q Start with an initial application to Epic,
7   whatever that looks like.
8 A I do not know if that was stored in Taleo or
9   within our -- an internal system somewhere.
10 Q Is there an internal system that you can think of
11   that might contain that information?
12 A Not off the top of my head, no, for where we kept
13   applications.
14 Q Do you know if they are maintained -- if they are
15   kept by Epic?
16 A Yes. They are kept.
17 Q Okay. You're just not sure where?
18 A Correct.
19 Q Who would know?
20 A We would have to ask someone from HR to get that
21   specifically.
22 Q Okay. Can you name a person in HR who -- who
23   would you go to if you needed to find the answer
24   to this question?
25 A Zach Lamers.

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1 Q Who's one of the people I think you said you spoke
2   to?
3 A Correct.
4 Q Okay. So this Taleo information, job
5   requisitions, job descriptions, job postings,
6   again, is there historical data kept in this, or
7   is this something where if you come up with -- if
8   Epic comes up with a new description for a job, it
9   would replace the old description?
10   MR. CARLE: Objection to the form
11   of the question.
12 A As I understand it, we keep the historical
13   information, the job descriptions as they change
14   over time.
15 Q And how far back would that -- would that just be
16   for the life of Taleo that you would have that
17   information?
18 A Correct, from May -- or whenever, 2011 forward.
19 Q Okay. What if you wanted to see what a job
20   description was prior to 2011; would there be a
21   way to access that information?
22 A I do not know.
23 Q So after Epic stopped using Taleo, what happened
24   to all of the information that was stored in that
25   system?

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1 A We got a dump file of all of our data that was in
2   Taleo, and we have that information at Epic.
3 Q How is it stored; is it on a tape?
4 A It's on a server in an Oracle database.
5 Q So how would you go about getting information off
6   of that database?
7 A It is a difficult process because we do not know
8   the data model used to store that information. So
9   we would have to dig through all the tables and
10   try to figure out where information is.
11 Q Can you explain a little more what you mean
12   by data -- I think it was the data model?
13 A So Taleo is a -- if you go to a website, and you
14   enter information, it gets stored in a back-end
15   database, which is made up of many tables. We
16   don't know -- there's a lot of tables. We don't
17   know their relationship between all of those
18   tables to be able to find exact information.
19 Q Is this database something you could search? For
20   example, could you search a term to discover a
21   bunch of documents that had that term in it?
22   MR. CARLE: Objection.
23 A It is a database, so you could write queries
24   against it, if you knew where to look for that
25   term.

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1 Q What do you mean if you knew where to look for the
2   term? So you couldn't query against the entire
3   database; is that what you mean?
4 A Correct. You can't write a query that just says
5   go to everything and find the word Epic, across
6   this whole thing.
7 Q So is this dump file, is it broken down in any
8   way, or is it just every single piece of
9   information that was in Taleo is just in a giant
10   morass?
11 A It's in many Oracle tables.
12 Q Okay?
13 A So there is structure to it. We just don't
14   understand the structure.
15 Q Could you learn what the structure is?
16 A Someone with time could sit down and figure it
17   out. Yes.
18 Q So when you talk about these structures, I mean,
19   do they have titles, do they have -- or I guess, I
20   don't understand exactly how it would look if you
21   tried to open this up.
22 A The tables would have names. The columns would
23   have names or labels. But understanding exactly
24   what's stored in that information, and then how to
25   connect it to other tables, we don't fully

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1   understand. So if you're looking for an employee,
2   you could find the employee name, but then, how
3   does that connect to other information to find out
4   answers they gave to questions, where their
5   application is. That would be in different
6   tables, so how do I connect all these tables
7   together to get their information into an employee
8   record is what we don't understand --
9 Q Okay.
10 A -- fully.
11 Q So to use a very nontechnical example, you're not
12   quite sure how to put all the pieces back together
13   because you don't know where each piece of say an
14   employee application would be found?
15 A Correct.
16 Q So given someone with a lot of time on their
17   hands, they could identify where each piece is and
18   figure out what query to write to put those pieces
19   back together?
20   MR. CARLE: Objection. Calls for
21   speculation.
22 A Someone with time could assemble parts of it --
23   I'd never say the whole thing -- and understand
24   it.
25 Q Okay. So if you wanted to pull -- if someone

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1   wanted to find out what the job description was
2   for a technical writer in 2012, are you saying
3   that they wouldn't be able to unless somebody took
4   the time to dig through this database?
5 A Correct.
6 Q There's nowhere else where that information would
7   be maintained?
8 A Correct.
9 Q One system that I think got discussed previously
10   is called Insight, that Epic uses for some HR
11   information. Are you familiar with that system?
12 A Yes.
13 Q And what types of information are stored within
14   Insight?
15 A Insight is more of a front-end that pulls data
16   from multiple different back-end systems.
17   Specific to Insight -- and it also has some data
18   specific to it. Insight is also a homegrown
19   system on SQL. So some of the information would
20   be what we call POGIs, poor, okay, good,
21   impressive. It's a system we use to rank fellow
22   employees. So that is stored within Insight.
23   I'm trying to think what else is in Insight
24   versus data just pulls from other places.
25   Ranking information. So as team leads, we

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1 rank our employees based on a scale. So that
2 information is in Insight. That's the information
3 I can remember right now that's specific to
4 Insight.
5 Q Okay. What systems does Insight pull from?
6 A It pulls information from some of the hiring
7 systems. It pulls information from time log.
8 Those are the main ones I can think of now.
9 Q And what hiring systems would that be, Avature and
10 Taleo, or are there others?
11 A I don't know exactly the front-end from which they
12 pull, but it pulls things like test scores. Those
13 are the big hiring pieces that it pulls in from,
14 the hiring process.
15 Q Would it pull information like an applicant's GPA
16 or their alma mater, things like that?
17 A Not that I'm aware of.
18 Q Okay. Would that information be in Insight?
19 A I do not believe that information is in Insight.
20 Q Does Epic keep -- so kind of on the topic of
21 applications, does Epic keep interview materials,
22 materials from when they interview people?
23 A Yes.
24 Q Where would that information be kept?
25 A That's where I'm not sure where all that's kept.

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1 Some of it's in SQL databases, from the hiring
2 process. I don't know if there's still paper
3 forms that are kept.
4 Q Who would know where that information is?
5 A I would go to Zach again.
6 Q Okay. Do you know if Epic keeps those sorts of
7 records for people it does not hire?
8 A Yes. It does.
9 Q Do you know if there's a time frame for how long
10 they keep those records?
11 A Yes.
12 Q What is that time frame?
13 A As I understand it, it's at least seven years.
14 Q Okay. But again, but you wouldn't know where any
15 of that's stored, we would have to ask Zach?
16 A Correct.
17 Q I think I previously asked about where manager
18 names, if they would be kept in any of these
19 systems, like a record of the people who had
20 managed an individual technical writer. Which of
21 these systems that we've talked about would keep
22 that information?
23 A Guru.
24 Q Okay. So with Guru, is that a system that you can
25 run -- could you run reports from that system?

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1 A It is a SQL database, so we can run reports
2 against it. Yes.
3 Q Okay. Have you ever used the database to run a
4 report from Guru?
5 A Yes.
6 Q What types of reports have you run?
7 A In my role, previous role, Guru also contains
8 purchasing request information. So there's a lot
9 of data not related to individuals that way. I've
10 run reports the number of employees active at a
11 certain time for planning purposes. Those are the
12 reports I mainly ran out of Guru myself.
13 Q Would you be able to run a report of, if you wrote
14 the right query, that would pull out all technical
15 writers and the names of all of the people who had
16 managed those technical writers?
17 A Yes.
18 Q And I don't think I asked this, but how long has
19 Epic maintained the Guru system?
20 A It's going back ten years at least.
21 Q Okay. And again, is that something that gets
22 purged at any time, or would it be -- would it
23 have all that historical data in it?
24 A It would have all the historical data.
25 Q Okay.

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1 All right. You said Insight also pulls
2 information from the time log system?
3 A Yes.
4 Q Okay. What sorts of information get pulled into
5 Insight from the time logging system?
6 A The hours that the person logged.
7 Q Anything else?
8 A That's all that's in time log, so.
9 Q Okay. Well, let's talk more about time log. And
10 I've, just for a terminology, I've also heard the
11 term DeLorean used when people talk about logging
12 time. Is that something different, or is it the
13 same system?
14 A It's the same system. DeLorean would be the
15 front-end, what people see. Time log or TLG is
16 the back-end database.
17 Q Okay. Understood. Well, let's start with --
18 let's talk about TLG, then. What types of
19 information gets stored in the TLG database?
20 A It's pretty limited. User ID or name, a comment
21 field, their role, the team they're on. There's
22 fields for what specific development log, support
23 log, or project they're working on, if
24 appropriate. What we call the TLP ID, so the code
25 that classifies the work. And then the number of

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1   hours that the person is logging to that TLP.
2 Q   And is this the only system that's used at Epic to
3   keep time records?
4 A   When you use absolutes, it's -- that is the main
5   system we use to track our time.
6 Q   Okay. Tech writers, this is the system that they
7   would use to track the time they spent performing
8   work?
9 A   Yes.
10 Q   They wouldn't use a time clock or anything else?
11 A   Correct.
12 Q   Okay. And how long has the TLG system been in
13   place?
14 A   At least 2002.
15 Q   Okay. So it would -- and its records are
16   maintained historically; is this something that
17   ever gets purged?
18 A   The records are historical. Yes.
19 Q   Okay. So they would cover the entire time period
20   of this lawsuit?
21 A   Yes.
22 Q   Okay. So if you are an Epic tech writer, and
23   you're entering in time, you said they would use
24   the DeLorean, that would be the front-end?
25 A   They're -- yes. You can also go to a tech

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1   stimulator and do it, but it's the same data.
2 Q   Okay.
3 A   For simplicity, we can just refer to DeLorean.
4 Q   Okay. And how -- what would they see, when they
5   wanted to enter that data, what would it look like
6   in DeLorean?
7 A   It's a white page. It has the eight or nine
8   fields that I described. And you can enter in the
9   information you need.
10 Q   Okay. I'm going to give you what I think is going
11   to be marked as Exhibit 39.
12   (Exhibit No. 39 marked for
13   identification)
14 Q   And is this a document you recognize?
15 A   No, it is not.
16 Q   Okay. Does it appear to come from Epic's internal
17   wiki?
18 A   Yes.
19 Q   Okay. So at the top of this document, it says
20   it's time logging for writers. So I'll represent
21   that it was produced in this lawsuit responsive to
22   a request for documents about how tech writers
23   would log their time. And so since you haven't
24   seen this before, I mean, why don't you take a
25   moment to sort of review it, and then I've got

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1   some questions for you about it.
2   (Witness examines document)
3 A   Okay.
4 Q   All right. So under, on the first page, under the
5   header Why do we have to log our time, it says --
6   it gives some reasons why Epic wants the writing
7   team to log their time. It talks about Helping us
8   determine how much time we spend doing different
9   tasks.
10   Do you know who the us, are they just
11   speaking generally about Epic, but would you have
12   any idea who they're talking about when they say
13   that?
14 A   I do not know.
15 Q   Okay. In the How do I log my time section, it
16   says you log in EMCT -- 2, sorry, using DeLorean.
17   What's EMC2?
18 A   EMC2 is another homegrown product. We use it for
19   many things, tracking development logs, support
20   logs, QA notes. So this is what would be called
21   an activity within EMC2. It's DeLorean to enter
22   your time.
23 Q   And it would be, as you previously described, to
24   enter DeLorean through EMC2?
25 A   Yes.

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1 Q   Okay. It refers, in this section, it says, for
2   example, if your work plans shows you worked
3   45 hours, all of that time should add up.
4   Do you know what they mean by a work plan?
5 A   Not specific to tech writers.
6 Q   Would you know specific to a different position?
7 A   To -- yeah. In the previous roles I've been in, I
8   would meet with my team members on a regular
9   basis, weekly, bi-weekly, and with that person, I
10   would review what projects they are working on.
11   And then, they would fill out a work plan, saying
12   This is what I did last week, how many hours I
13   spent on each task. This is what I planned for
14   this week, how many hours I plan on spending on
15   that work.
16 Q   Okay. And would that work plan, that document be
17   maintained somewhere?
18 A   There's not a standard place to put work plans.
19   People use OneNote from Microsoft. People use
20   Excel spreadsheets. People use Word documents.
21   So they'd be scattered.
22 Q   So a work plan is not a standardized document
23   within Epic?
24 A   Correct.
25 Q   Would it be something that would depend perhaps on

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1   the department that you were in?
2   MR. CARLE: Objection. Calls for
3   speculation.
4 A   I was going to say the same thing.
5   I do not know how other teams use work plans,
6   if within a same team they use the same work plan
7   for everybody.
8 Q   Okay. But in order to find them, you, it sounds
9   like, have to go on a hunt through individual
10   employee's systems?
11 A   A hunt being a generous word.
12 Q   Okay.
13 A   Quest.
14 Q   Okay. A little lower under the note, it talks
15   about making sure your time is logged by noon on
16   Monday of the current week, so that reports can be
17   run.
18   Is there any standard requirement for when
19   people need to get their time entered?
20 A   No.
21 Q   Is there any penalty -- go ahead.
22 A   Yes. The first of the next month is when the
23   requirement is for all employees to have their
24   time logged.
25 Q   Okay. And if an employee was negligent and did

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1   not have their time entered by that first of the
2   next month, what would happen?
3   MR. CARLE: Objection. That's
4   outside the scope of what he's here to talk
5   about.
6 A   Can you repeat the question?
7 Q   What would be the penalty or --
8   MR. CARLE: I'm going to ask you
9   not to answer that, really. I don't think
10   that that's within the scope of what he's
11   here to talk about.
12   MS. MADDEN: He's talking --
13   MR. CARLE: He's talking about the
14   data and the systems, and you're asking him
15   about what would happen to that employee. I
16   think that's different.
17   MS. MADDEN: Well, it would help us
18   understand how good the data is if we know
19   how strict Epic is about ensuring that people
20   get their information entered on time.
21   MR. CARLE: I don't think that that
22   really bears on how good the data is. I
23   think you can ask some questions about the
24   data, reports, that kind of thing. What Epic
25   does if someone doesn't get their time in at

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1   the end of the month I think is outside the
2   scope. I would ask him not to answer that.
3   MS. MADDEN: All right. Well, we
4   can move on, then.
5 Q   It also refers to reports in this section. Do you
6   know what reports might be run from the TLG data
7   by team leads?
8 A   I don't know specifically if there are reports
9   available for them.
10 Q   Are there standard reports that you could run out
11   of -- using that data?
12 A   There's some common reports that are run. Yes.
13 Q   What are those common reports?
14 A   There's reports that a person could run showing
15   that specific person's entries into TLG. So you
16   could run it for last week, what did this employee
17   enter, based on TLP, or for my team who reports to
18   me, what did each person enter.
19 Q   Could you run a report for an entire department,
20   for all technical writers?
21 A   Yes.
22 Q   Could you determine -- run a report to find
23   averages, the weekly average for a department?
24 A   Weekly average of? Of what? Sorry.
25 Q   Of the hours worked by the employees in that

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1   department.
2 A   Yes.
3 Q   Okay. Any other common reports that you know of
4   that people run through DeLorean?
5 A   No.
6 Q   Could you run a report to see what TLPs are being
7   used by people on a team?
8 A   Yes.
9 Q   Can you describe the process for running that
10   report?
11 A   There's two ways, depending specifically what
12   data. There's some pre-created reports that you
13   could choose a group of people, based on your
14   team, to show the TLPs, or since it's a SQL
15   database, someone could create a custom report to
16   do the same.
17 Q   And that report could pull the -- all individuals
18   who were technical writers and every TLP that they
19   had logged and the amount of time they logged for
20   each TLP?
21 A   Yes.
22 Q   Okay. Do you know if anyone has ever done that?
23 A   Done specifically what?
24 Q   Looked at the TLPs that are logged by tech
25   writers.

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1 A I am not aware if someone ran that.
2 Q Okay. Have you run any TLG reports for this case?
3 A No.
4 Q Are you aware of any such reports being run?
5 A No.
6 Q Okay. And it sounds like you're no longer in
7   charge of the team that would run these reports,
8   if that information was needed?
9 A I was never in charge of the team that would run
10   these reports.
11 Q Okay. What team would run these reports?
12 A Our division operations team.
13 Q And who is in charge of that team?
14 A They are scattered across a couple different
15   managers. So they don't report up to one single
16   person, that I'm aware of. I don't know their
17   full structure.
18 Q Okay. Who are the -- I mean, I guess, if they
19   don't have one head, but who are some of the
20   people in charge of that team who would run this
21   sort of information?
22 A Was the question who are the people or who are the
23   managers?
24 Q Who are the people.
25 A I know two of the names, Matt Gandley,

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1   Jacob Goergen, I think is how you pronounce his
2   last name. Brian Cap is another one. I can't
3   remember any of the other names right now.
4 Q So any of those individuals would be able to run a
5   report showing all TLG entries for tech writers in
6   the time frame of this lawsuit?
7 A Yes.
8 Q I don't think I asked, but how long do you think
9   it would take to run a report like that?
10 A We would have to agree on what exactly some of the
11   specifics are, so that would be some of the trick.
12   I don't know how hard it is to, for job changes as
13   we talked about, to say tech comm only during this
14   time period and if they changed roles, so that
15   would add some tricks. A day or two would be my
16   guess.
17 Q Okay. How about to run a report showing the --
18   let's say for one person, if we selected
19   Dayna Long, the plaintiff, to run a report showing
20   the TLPs that she entered during her time at Epic?
21 A That report would not take long. A few hours at
22   most.
23 Q I assume if you added more people, it would take
24   longer to run such a report?
25 A Correct.

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1 Q Okay. In DeLorean, would it be possible -- if an
2   employee was entering their time, but they skipped
3   a field, for example, if they didn't fill out the
4   TLP, what would happen?
5 A That field is required, so you wouldn't be able to
6   leave that section and move on to your next TLP.
7 Q Okay. Of the fields that we talked about that are
8   in DeLorean, or TLG, which fields are required? I
9   think we talked about user ID, comments, role,
10   team, what project, TLP code, and the hours
11   logged.
12 A I don't know which ones are completely required.
13   The TLP ID, your user ID is filled in
14   automatically. And the hours are required. Your
15   role is filled in automatically, but I don't know
16   if you deleted it, if it would stop you. Your
17   team is filled in automatically. Again, I don't
18   know if you deleted that, if it would stop you.
19   DLG, the development log, PRJ comments, those are
20   optional.
21 Q Okay. If an employee did not enter time, would
22   there be some kind of report triggered by TLG that
23   would maybe alert their team lead that they hadn't
24   entered time?
25 A There is a -- if someone does not have their time

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1   done, we get week -- I don't know for tech
2   writers. For me, if I do not fill in my time on a
3   weekly basis, I get an e-mail reminding me that my
4   time has not been logged. And then, at the end of
5   the month, so around the 1st, I get an e-mail
6   reminding me to fill out the previous month. And
7   if it's not completed there, then I'm included on
8   an e-mail to my team lead, reminding my team lead
9   to remind me to complete my time log.
10 Q And those e-mails, are those automatically
11   generated, or is somebody looking at something and
12   typing you an e-mail?
13 A Those are automatically generated.
14 Q By what system?
15 A By the TLG system. I don't know the exact
16   process, but someone is not manually looking up
17   reports.
18 Q Okay. And I believe you said you would get an
19   e-mail each week if your time wasn't logged; was
20   that accurate?
21 A I get weekly e-mails reminding me to log my time.
22 Q So do you mean to log your time because it hasn't
23   been entered, or there's just an e-mail every
24   single week saying log your time whether you've
25   done it or you haven't?

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1 A I do not know if there's an e-mail had I logged my
2   time for the entire week.
3 Q It's not an experience you've had?
4 A Am I still sworn?
5 Q Who would know the answer to this question if
6   that's an automatic process or if everyone gets
7   that e-mail?
8 A I don't know. Someone from accounting. I don't
9   know who would know that definitely.
10 Q Okay.
11   All right. I'm going to move on from time
12   logs --
13   THE WITNESS: If you're going to
14   move, can we just take a break, then --
15   MS. MADDEN: We sure can.
16   THE WITNESS: -- if it's a good
17   spot?
18   MS. MADDEN: Of course. Of course.
19   THE WITNESS: Thanks.
20   (A recess was taken)
21 By Ms. Madden:
22 Q All right. Mr. Benz, we're going to turn to
23   topic 5, about Epic's security systems. And you
24   previously testified on this topic in Nordgren.
25   So to avoid running over too much of the same

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1   ground, can you just start out by telling me, I
2   know you said you had talked to Angie Brooks about
3   key card data. Can you just kind of summarize
4   about what you learned from her about Epic's
5   systems in that regard?
6 A   The basic stuff as to what happens, when an
7   employee leaves Epic, to their data, which doors
8   are opened during the day, meaning no key card
9   access needed. And the big piece of information,
10   in July of 2014, we had a server crash and lost
11   all historical data, and it was not backed up. So
12   we have data moving August 2014 forward.
13 Q   Okay. So July -- and when you say a server
14   crashed losing data, are you just talking about
15   key card swipes?
16 A   There were other things on there, but key card
17   swipes were lost.
18 Q   Okay. So key card swipes are used to get into
19   some doors of Epic, correct?
20 A   Correct.
21 Q   And again, in Nordgren, we testified about whether
22   that was a useful way of determining when a tech
23   writer -- sorry -- a QAer, in that case, was
24   performing work.
25   Has anything in Epic's practice, in terms of

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1   key card swipes, changed in that time period?
2 A   Not that I'm aware of.
3 Q   Okay. So there aren't more doors that need key
4   card access, for example, or anything like that?
5 A   No.
6 Q   Okay. In Nordgren, you also talked about computer
7   logins. Can we -- can you just go over the
8   procedure used at Epic to log into a company
9   workstation when you're starting your workday?
10 A   Procedure is a strong word, but when I come in, I
11   sit down at my computer, hit enter or space bar
12   and get to the login screen and enter my user name
13   and password.
14 Q   And is there a data recorded or a time stamp of
15   any sort recorded somewhere that you've logged
16   onto the system?
17 A   In Windows' logs, yes.
18 Q   And is that data stored on any server or backed up
19   in any way?
20 A   The data is stored on a server. It is not backed
21   up.
22 Q   Okay. So that's not something you could gather
23   historical data for?
24 A   Correct.
25 Q   Okay. How long would that data be stored on

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1   Windows?
2 A   About 20 days.
3 Q   Okay. And would any record be created when -- let
4   me back up.
5   Do you need to log -- do Epic employees need
6   to log off their workstations when they're done
7   performing work?
8 A   No.
9 Q   Does the system automatically lock after periods
10   of inactivity?
11 A   Yes.
12 Q   Okay. And is there any record that would be
13   created when they would log off or when there
14   would be a period of inactivity?
15   Let me split that into two questions.
16 A   Thank you.
17 Q   Sorry. If there was a period of inactivity and
18   the computer locked, would a record be created of
19   that?
20 A   Yes.
21 Q   But it would, similarly, only be stored for
22   20 days?
23 A   Correct.
24 Q   Okay. And if they manually logged out, would a
25   record be created of that?

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1 A Yes.
2 Q Same question; it would only be stored for
3   20 days?
4 A Yes.
5 Q Okay. Are there any other systems at Epic aside
6   from TLG that could be used to determine when a
7   tech writer was performing work?
8   MR. CARLE: Objection. It's vague.
9 A Yes. Can you clarify what you mean?
10 Q Sure. How about any systems that could be used to
11   determine when a tech writer was at -- physically
12   at Epic?
13 A We talked about key cards, talked about login.
14   There's a few cameras, but it doesn't cover the
15   whole campus, so that wouldn't be reliable. So
16   no.
17 Q Okay. And can Epic employees remotely access
18   their -- the Epic system to perhaps perform work
19   from home?
20 A Yes.
21 Q Through a VPN or some other type of system?
22 A Through VPN.
23 Q Okay. And would there be a record of when they
24   had used the VPN to log in?
25 A Yes.

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1 Q Would it be like the other login, though, where it
2   would just be stored in Windows for about 20 days?
3 A No.
4 Q How would that -- how long would that be stored?
5 A The log is kept for 30 days, and we back up that
6   data.
7 Q Why is that data kept?
8 A Decision that was made some time ago.
9 Q Do you know when?
10 A No.
11 Q Past five years?
12 A Yes.
13 Q Okay. I'm going to jump to talking about records
14   preservation, so that's topic 15. So discussing
15   Epic's policies and procedures for storing
16   electronically stored information.
17   I'm going to pass you what I think will be
18   Exhibit 40. I apologize for the quality of the
19   document.
20   MR. CARLE: 40, you said?
21   MS. MADDEN: Yes.
22   (Exhibit No. 40 marked for
23   identification)
24 Q And this is a document that was produced in the
25   Nordgren case. So it's Bates marked 1647 from

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1   that case, but it's been represented to us by
2   counsel that this hasn't really changed, aside
3   from the revision that we'll look at in a moment.
4   So are you familiar with this document or
5   this policy?
6 A Yes.
7 Q Okay. So starting off with, underneath the first
8   header Network stuff, it describes backups that
9   are done nightly, weekly, monthly, and
10   semi-annually.
11   So starting with the nightly backups, what --
12   well. Even farther back. What's network stuff;
13   what does that include?
14 A A better term may have been stuff stored in the
15   data center. So not laptops, desktops.
16 Q Can you clarify more what you mean by that?
17 A Servers, storage devices.
18 Q So not things that would just be stored locally on
19   the machine, things that would be stored on an
20   Epic server?
21 A Correct.
22 Q And so when you say servers, you just -- that
23   wouldn't include, for example, Avature or one of
24   these servers that's a third-party system?
25 A Correct. It would not.

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1 Q Okay. So nightly backups, that's a backup that
2   would occur every night of everything in the
3   system and be held onto for seven days?
4 A No.
5 Q Okay. What is it; what does it mean?
6 A A nightly backup could be incremental, meaning
7   only what's changed in the last day.
8 Q Okay. And then, what would be the difference,
9   then, between the nightly and the weekly backup,
10   what happens with the weekly backup?
11 A Two different things. In many cases, it is a full
12   backup of everything on the system and not an
13   incremental of only changes. And there are some
14   things that are not backed up on a nightly basis
15   but are backed up on a weekly basis.
16 Q Okay. Can you give an example?
17 A No.
18 Q Okay. Who could give an example?
19 A Someone on our CaTS backup team, Leif Larson.
20 Q All right. And then, monthly backups kept offsite
21   for two years. What -- how does that differ from
22   the nightly or the weekly backup?
23 A A monthly backup is just a term for a weekly
24   backup that happens the first Saturday of the
25   month.

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1 Q Okay. So that would give you a snapshot of kind
2   of what was on the server at that month, and it
3   would -- but this one is stored for two years
4   instead of the seven-day nightly storage?
5 A That was a lot.
6 Q It was convoluted. But I'm just trying to confirm
7   that the only difference in terms of content
8   between a nightly and a monthly backup is the
9   length of time for which it's stored?
10 A There are -- probably are other things that are
11   stored up monthly -- or backed up monthly but not
12   backed up weekly. So there could be a few things
13   that are in that case. But in most cases, you are
14   correct, the content's the same --
15 Q Okay.
16 A -- and the retention is different.
17 Q And it says Kept offsite. Where is this -- where
18   are the monthly backups stored?
19 A A company called -- oh, they've changed their
20   names. Access, A-c-c-e-s-s. There's something
21   after that. We just call them Access. I think.
22 Q And how long --
23 A I will correct that if I remember the name better
24   later.
25 Q How long has Epic used Access to store these

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1   monthly backups?
2 A On a policy, we're going back to 2005, so at least
3   there.
4 Q All right. And semi-annual backups, what a -- how
5   would the content of those differ from any of the
6   three other backups we talked about?
7 A Those are monthly basis, taken roughly June and
8   December. So there would be nothing that's
9   semi-annual that is not monthly.
10 Q Okay. And I assume that one, also, Access is
11   where that would be stored?
12 A Correct.
13 Q The next header here is Departures. Am I correct
14   in reading that to mean what Epic keeps when
15   someone leaves, when an employee leaves?
16 A Yes.
17 Q Okay. And so it's listed here, but can you just
18   describe the documents that are kept when an
19   employee leaves?
20 A What it lists here, everybody has an f:\personal\,
21   Bbenz in my example. So anything that's stored in
22   that folder. Information that they stored on
23   their workstation, with the exclusions listed.
24   And then a copy of their e-mail on the Exchange
25   Server at the time of departure.

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1 Q Is there any limit to what that, talking about
2   e-mail, is there a size limit to how many e-mails
3   a person can -- or how large their e-mail box can
4   get?
5 A Yes.
6 Q What's the size limit?
7 A Currently, eight gigabits.
8 Q Okay.
9 A Bytes.
10 Q And what happens if you hit eight?
11 A You get an e-mail saying You are approaching your
12   limit. Please do something.
13 Q And if what you did was delete a bunch of e-mails
14   to get below the limit, what would happen to those
15   deleted e-mails, would they be preserved anywhere?
16 A Depending on the timing, based on the backup
17   policy, they could be on a tape.
18 Q When you say they could be on a tape, do you mean
19   one of the weekly, monthly, or semi-annual backups
20   discussed?
21 A Correct.
22 Q Okay. So you could go back to before they hit
23   their limit and see the archived e-mails in that
24   record?
25 A Yes.

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1 Q If Epic -- or if you wanted to get the -- a copy
2   of an e-mail for a person who's left, what
3   procedure or process would you go through to get
4   that person's e-mail box?
5 A We would get a request for restore from an
6   executive, HR, someone like that, legal counsel.
7   We would track it through the system, find out
8   what tape it's on, load the tape, extract their
9   file, have to import that file, and then we
10   usually make what's known as an Outlook archive, a
11   PST file.
12 Q So you would have to create the -- convert it into
13   a PST, essentially?
14 A Correct.
15 Q Okay. And would you follow the same procedure to
16   get the f:\personal and the profile that were
17   archived when the person left?
18 A Similar process, yes.
19 Q How would it differ?
20 A The result. It wouldn't be a PST file, it would
21   just be the normal files.
22 Q When you say normal files, do you mean it would be
23   Word documents, PDFs, whatever it was when the
24   individual had created the documents or saved the
25   documents?

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1 A   Yes.
2 Q   How long does it take to restore a person's e-mail
3   box from this system?
4 A   It takes a day to get the tapes out of storage,
5   and then a few hours of work to restore their
6   files.
7 Q   And that time estimate would be the same for
8   e-mails or for the f:\personal drive and the
9   profile?
10 A   E-mail is a little longer.
11 Q   Have you pulled a copy of e-mails or personal
12   drive or anything like that in regards to this
13   lawsuit for any of the individuals involved?
14 A   I don't know all the individuals on this file. We
15   received direction from counsel to restore
16   information for specific people.
17 Q   So you know that that has occurred?
18 A   Yes.
19 Q   Okay. But you can't say today what people you
20   were asked to restore information or someone was
21   asked to restore information for?
22 A   I do not remember their names. No.
23 Q   Do you know if it was more than five people?
24 A   Yes.
25 Q   Okay. All right. So we talked about TLG data

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1   earlier. In which of these kind of categories of
2   backed up data would TLG data be found?
3 A   You're referring to which -- repeat the question.
4 Q   If I wanted to get historic TLG data, would I need
5   to go into one of these backup files in order to
6   do so, and if so, which category?
7 A   What do you mean by category? I'm not following
8   completely.
9 Q   Sorry. Would be in the -- a nightly backup, or
10   would it be in f:\personal, these different kind
11   of groups of archived -- of backed up information?
12 A   It would not be in f:\personal. It's stored in a
13   database.
14 Q   Okay.
15 A   I'm still trying to follow the question
16   completely.
17 Q   I'm probably asking it poorly.
18   Would it be found in the backups, like the
19   semi-annual backups, since that's on the database,
20   is that server information that would be backed up
21   there?
22 A   Yes.
23 Q   But you wouldn't need to do that, correct, because
24   that historical information is accessible through
25   TLG?

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1 A   Correct.
2 Q   Okay. I know I'm being inartful, so I appreciate
3   your patience.
4   All right. I'll pass you I think No. 41.
5   (Exhibit No. 41 marked for
6   identification)
7 Q   So this document was produced in this case, and
8   appears to give the differences between the backup
9   policy we just looked at as Exhibit 40 and the
10   current policy. Are you familiar with the changes
11   that were made to revise the backup policy here?
12 A   Yes.
13 Q   It looks, according to the revisions history at
14   the top, that Bbenz made the changes. Was that
15   you?
16 A   Yes.
17 Q   And what was the reasoning -- well, first off,
18   what was the change that was made? It looks like
19   it was a change to line 9 of the previous backup
20   policy?
21 A   It previously stated we keep departures data on
22   tape for three months, and we changed it to on
23   tape for perpetuity.
24 Q   And what was the reason for making that change?
25 A   When we met in, roughly, May 2013, we came up with

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1   guidelines we would like to follow. The reality
2   is we got so many requests for restores of data
3   that was older than three months, that we decided
4   to keep tapes for perpetuity. And so we never
5   actually purged anything after three months. So I
6   was just updating the document to reflect
7   practice.
8 Q   I see. So it would not be correct, then, to say
9   that -- well, I won't ask you to negative.
10   So prior to this policy change, Epic was not
11   purging records after three months?
12 A   Correct.
13 Q   So if I wanted a restore of a former employee's
14   e-mail that predated this change, Epic would still
15   have it?
16 A   Correct.
17 Q   Okay. Can you identify the time period when the
18   practice changed?
19 A   In my recollection, we have been keeping
20   departures data as long as I can remember and not
21   purging it.
22 Q   So at least through the duration of this lawsuit?
23 A   Yes.
24 Q   Okay. Were there any other changes, besides the
25   one noted here, that you can recall being made to

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1   the backup policy?
2 A   No.
3 Q   Okay. And this is the current, between document
4   40 but with the change made on Exhibit 41, to say
5   that the departures data would be kept in
6   perpetuity, is that the current backup policy used
7   by Epic?
8 A   To the best of my knowledge, yes.
9 Q   Okay. Would there be someone else who would have
10   more information or different information about
11   that?
12 A   Leif Maxfield. Since I've been out of the role
13   four months, something may have -- or three
14   months, something may have changed.
15 Q   He has taken your previous role?
16 A   No. He's our backup person.
17 Q   Okay. So I want to ask about some documents that
18   are specific -- documents that are created by tech
19   writers and try to determine where they would be
20   maintained.
21   Actually, I think before I do that, I'll give
22   you the next exhibit, No. 42.
23   (Exhibit No. 42 marked for
24   identification)
25 Q   So this was also a document produced in Nordgren

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1   that we were informed is the same, it hasn't
2   changed since that suit. Are you familiar with
3   this document?
4 A   Yes.
5 Q   And to your knowledge, is this the current
6   document retention policy that is used by Epic?
7 A   I am not familiar with this, what's the current
8   for this document retention policy.
9 Q   Who would be able to confirm whether this is
10   current?
11 A   On the document, it lists two names. So I would
12   go to those two people.
13 Q   Okay. And that's Jeremy Nelson or
14   Britta Lindberg, are the names I am seeing. Is
15   that -- are those the people you're talking about?
16 A   Yes.
17 Q   Okay. I'm going to ask a very broad question.
18   But I know that some of the types of documents
19   that -- the role of a tech writer is to create
20   various documents, like release notes, support
21   guides, tip sheets, things like that. And what
22   I'm trying to understand is that type of data,
23   whether it falls under one of the listed
24   categories here or elsewhere in terms of whether
25   it's a document that's retained.

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1   So that's my question. Do you know which of
2   these categories something like a release note or
3   a support guide would fall under, or if it does
4   not fall under one of those categories?
5 A   To the best of my knowledge, the documents that a
6   tech writer creates would not fit into one of
7   these categories.
8 Q   Okay. Would they be the type of documents that
9   would be found in, for example, a monthly backup?
10 A   Yes.
11 Q   Because they are documents that are saved on
12   Epic's server?
13 A   Yes.
14 Q   Okay. So let's talk a bit about that server,
15   then.
16   If you wanted to find, for example, every
17   release note written by Dayna Long, is that a
18   search that could be performed?
19 A   Can you define written by?
20 Q   Let's start with she created the document, so
21   she -- I don't know if this is how they do it, but
22   she opened up the new Word document and started
23   typing. So she perhaps initiated the document.
24 A   Not being completely familiar with a tech writer's
25   role, but if she created a new Word document, I'm

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1   not familiar if you can search -- there's metadata
2   that tells you who created it. I'm not familiar
3   how easy that information is to search.
4 Q   I'll tell you kind of where I'm coming from. In
5   the Nordgren case, Epic was able to identify and
6   produce QA notes written by individuals who had
7   joined the lawsuit. And so I'm kind of seeking an
8   analogy and if it would be possible to do
9   something similar for documents written by the
10   tech writers, in this case.
11   So you're saying --
12   MR. CARLE: I just want to object.
13   I think that documents is vague.
14   MS. MADDEN: Okay.
15 Q   Well, examples that I would have are release
16   notes, support guides, tip sheets, these sorts of
17   deliverables that are created by and that tech
18   writers work on. You have identified searching
19   the metadata. Are you aware of any other search
20   that could be used to identify the deliverables
21   created by a particular tech writer?
22 A   And can you redefine deliverables, so we're
23   talking the same thing?
24 Q   Sure. Let's use a release note for an example, to
25   find the release notes created by an individual

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1   tech writer.
2 A   So what's the full question? I'm sorry, I've
3   gotten lost now.
4 Q   Sure. If you wanted to find every release note
5   that Dayna Long had written, would you be able to
6   do that, and how would you go about doing it?
7 A   Yes. You would be able to do that. That data is
8   stored on a server in a database, and we could
9   search for records created by Dayna Long.
10 Q   And when you say it's stored on a database, are
11   you talking about the backups, or are you talking
12   about a different database that you would be
13   searching?
14 A   Different database.
15 Q   What database?
16 A   It's a Caché database. It's referred to -- I'm
17   trying to think how we can label it, just for
18   clarity. For release notes, it would be DRN, the
19   letter D, R, N.
20 Q   So would a different type of deliverable, like a
21   tip sheet, it would have a different, for lack of
22   a better word, code that you would use to identify
23   it?
24 A   Yes.
25 Q   Okay. And so, again, is this like you would run a

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1   SQL query and say We want all DRN created by
2   Dayna Long, is that the process here?
3 A   Roughly.
4 Q   Okay. Do you know if anyone has attempted to do
5   that in this case?
6 A   I am not aware of anyone doing that.
7 Q   Okay. What if you wanted to find just all release
8   notes created in a particular time period, like
9   2012 to 2014, is that also something that would be
10   retrieved through this Caché database?
11 A   Yes.
12 Q   And how would you go about doing that?
13 A   Same process, write a script, searching on the
14   create date, retrieve all the files, or all the
15   data elements.
16 Q   So if you had this, again, lack of a better word,
17   code for the types of document you were looking
18   for, you would be able to run that query to
19   retrieve those documents?
20 A   Can you repeat that again?
21 Q   Uh-huh. If I knew I was looking for DRN release
22   notes, or if I wanted tip sheets, and perhaps TIP
23   would be that, just spitballing, that would be the
24   code that was used, could you run that TIP query
25   in the database and retrieve all the tip sheets

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1   created during that time period?
2 A   Yes.
3 Q   Okay. How long do you think it would take to
4   retrieve, for example, all release notes created
5   between 2012 and 2014?
6 A   That's a lot of data. I couldn't guess that one.
7 Q   Okay. What if it was just for an individual
8   person and an individual type of deliverable,
9   could you estimate how long that would take?
10 A   Several hours, few hours. Not more than a day.
11 Q   Okay. And would this involve the same process you
12   described for restoring e-mail, where you would
13   need to retrieve a tape and do it that way, or is
14   this something that's in an active database that
15   you could kind of skip that part of the process?
16 A   The data is currently in an active database.
17 Q   And do you know how far back that database goes?
18 A   At least 2006.
19 Q   Okay. So not that I would in this case, but if I
20   wanted a 2007 release note, that is something that
21   would be found in this -- in active database?
22 A   Yes.
23 Q   Okay. Has Epic -- or let me step back.
24   We looked at the general document retention
25   policy and the general backup policy. Does Epic

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1   have specific policies for, when it is involved in
2   litigation, for backups or retention?
3 A   We have a process we follow.
4 Q   And is that process written; is there a written
5   record of what that process is?
6 A   Not to my knowledge.
7 Q   Okay. Can you describe the process, please?
8 A   We receive an e-mail from legal, follows the lines
9   of We're in litigation for this time period. Then
10   we usually verify with counsel what time period we
11   need to keep tapes for. And then, we put what's
12   known as a hold on those tapes, so they do not
13   fall into the purge process, if they fall out of
14   the two-year period, for example, for monthlies.
15 Q   And do you know if that -- a litigation hold
16   e-mail like that was sent out in this case?
17 A   Yes.
18 Q   Okay. When was that e-mail sent out?
19 A   March of -- early -- I don't remember if it was
20   March, April, May, 2014.
21 Q   Might you mean 2015? This suit was not filed
22   until 2014.
23 A   I may mean 2015.
24 Q   I'll want to get ahold of your psychics on staff.
25 A   Yes. Thank you. 2015. I just need a note.

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1 Q And as part of this process, you said we, but who
2   would be contacted? Were you specifically talking
3   about the people engaged in document retention
4   would receive that litigation hold e-mail?
5   MR. CARLE: Objection. Leading.
6 A Can you rephrase that? Sorry.
7 Q Who got this e-mail in March 2015?
8 A I did.
9 Q Just you?
10 A I don't remember if there were others who were
11   part of the -- that e-mail.
12 Q Do you know if tech writers in this case received
13   a litigation hold e-mail?
14 A Some -- yes. I know some tech writers received a
15   litigation hold.
16 Q When you say some, do you mean not all did, or
17   you're -- just clarify, please, what you mean.
18 A I do not know if it was all.
19 Q Okay. Do you know if the team leads of tech
20   writers received a litigation hold e-mail?
21 A I do not know.
22 Q Okay.
23   All right. We've kind of touched on e-mails,
24   but I'm going to move on to topics 17 and 18 and
25   just ask some more specific questions about Epic's

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1   e-mail systems.
2   So does every Epic employee have a company
3   e-mail account?
4 A I don't like absolutes.
5 Q I'll take that back. It was too broad. Yes.
6   Do all tech writers have a company e-mail
7   account?
8 A Yes.
9 Q Do the team leads or people who supervise tech
10   writers have Epic e-mail accounts?
11 A Yes.
12 Q Okay. And what e-mail system does Epic use?
13 A Microsoft Exchange.
14 Q And we discussed that there's a maximum size for
15   the file -- for the -- the size of an e-mail box,
16   correct, eight gigabytes, I think you said?
17 A Correct.
18 Q And so in terms of data retention, would these --
19   would e-mail inboxes be subject to the nightly,
20   weekly, and monthly backups because they're on the
21   server?
22 A Yes.
23 Q Okay. And would that include all sent e-mails;
24   are they also -- would they also be backed up
25   pursuant to that policy?

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1 A There are different Outlook policies for what
2   Outlook can do on a personal machine with sent
3   items, so depending what the individual set on
4   that policy. But Epic, as a general rule, the
5   sent items would be backed up as well.
6 Q And would the same be the case for deleted items?
7 A Yes.
8 Q Okay. And so provided that your e-mail inbox had
9   not grown so large you needed to permanently
10   delete, would the file that's backed up when an
11   employee departs contain all -- not only the inbox
12   but sent and deleted items as well?
13 A Not necessarily.
14 Q Okay. Why not?
15 A An individual, even if they're not at the limit
16   for their mailbox size, could choose to purge
17   e-mails, and therefore would no longer be in their
18   deleted items folder.
19 Q And Epic doesn't have a policy about whether --
20   what employees should do in that respect in terms
21   of deleting or fully purging e-mails?
22 A Correct. Epic does not have a policy.
23 Q Okay. But if an employee -- strike that.
24   All right. What procedure would be used in
25   order to search -- well, I'll back up.

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1   Would it be possible for Epic to search
2   inboxes for specific search terms, the inboxes of
3   current Epic employees?
4 A Yes.
5 Q And could that search be run across multiple
6   e-mail holders, or would you have to do it one at
7   a time?
8 A It could be run across multiple e-mail holders.
9 Q Okay. What would be the procedure for running a
10   search of specific search terms, for current?
11 A There's a process where it has to come from,
12   either an executive or legal, to do the search
13   terms. Our Exchange admins have an Exchange tool
14   for eDiscovery. So once the search terms are
15   determined, they enter it in a Boolean form and
16   press search, I guess.
17 Q And what factors determine how long that search
18   would take?
19 A The search terms themselves, if you use a common
20   word, it's going to take obviously a lot longer,
21   the number of people across whom we're searching,
22   the date range that you are using.
23 Q Does the process for performing searches of e-mail
24   boxes differ at all for boxes you've had to
25   restore because they belonged to a former

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1   employee?
2 A Yes.
3 Q Okay. How does it differ?
4 A As I understand, those are done individually. You
5   can't group it into I'm going to search across
6   everybody. You search that one individually.
7 Q Okay. Have you been asked to do any e-mail
8   searches for this case?
9 A Yes.
10 Q Okay. And what terms did you use in that search?
11   MR. CARLE: Objection.
12   Attorney-client privilege.
13 Q How long did it take you to run the search that
14   you performed?
15 A Those were quick searches. Few hours' time.
16 Q And what did you do after you would run the
17   search?
18 A To clarify, I personally did not run the search.
19   The files were provided to counsel.
20 Q Internal or external counsel?
21 A Internal.
22 Q And when you say the files, what format were they
23   provided in; PST?
24 A Correct. PST.
25 Q How large was the file?

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1 A From what I recall, they were small.
2 Q What individuals' boxes did you search?
3   MR. CARLE: Objection.
4   MS. MADDEN: I think the facts of
5   what he -- who he searched wouldn't
6   necessarily be covered by the privilege.
7   MR. CARLE: Brian, I think you can
8   go ahead and answer.
9   THE WITNESS: Okay.
10 A I do not remember everybody's names. Let me see
11   if I remember anybody's names.
12   Karen Campbell was one. Jacob Louis was one.
13   I don't remember the others' names.
14 Q Do you recall how many?
15 A Fewer than ten.
16 Q And that entire search took a few hours to
17   complete, you said?
18 A To clarify, there were a few small searches, but
19   they did not take long. Correct.
20 Q Okay. Thank you.
21   MS. MADDEN: Let's take a short
22   break, but then, I think we may be just about
23   finished.
24   MR. CARLE: Okay. Great.
25   (A recess was taken)

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1   MS. MADDEN: All right. Mr. Benz,
2   just a few more questions.
3 By Ms. Madden:
4 Q Earlier you said you had been -- you had received
5   a litigation hold e-mail and an e-mail about --
6   back up.
7   Have the e-mails for Dayna Long been
8   restored, has her departure profile been restored?
9 A I do not recall specifically Dayna Long.
10 Q Okay. But have -- there was a request to do
11   restores of some of these departed employees in
12   relation to this case?
13 A Yes.
14 Q And did that restore take place?
15 A Yes.
16 Q Okay. Earlier we talked about querying a database
17   to retrieve, for example, release notes and other
18   deliverables created by tech writers, and you used
19   the example of DRN as a code, for lack of a better
20   word, that would be used to run such a query.
21   Do you know if there's a list of other codes
22   like DRN that would allow you to identify what
23   documents would correspond with what you would
24   need to run in the query?
25 A I think -- DRN is not a code, necessarily. It is

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1   a, we call it an INI. It's short for a database.
2   So DRN for release notes.
3 Q So would there be an INI list, then, to tell me
4   all of the, like DRN, the INI used to run that
5   query?
6 A Yes. There is a list of all the INIs.
7 Q And how would I get that list? Is it on the wiki?
8   Where would that list be found?
9 A INI is such an embedded thing within Epic. It
10   would not be hard to produce a list of INIs
11   needed. You should probably strike needed, but a
12   list of INIs.
13 Q What does INI stand for?
14 A No clue.
15 Q Lost to the sands of time.
16 A From what I remember, it's just short for
17   initials.
18 Q Okay.
19 A So we had an initial for the word initial.
20 Q But if I asked for a list of INIs, Epic would know
21   what that means, or someone within Epic would know
22   what I'm asking for?
23 A Yes.
24 Q Okay. We talked about HR systems and various
25   records and how and where they're stored. And one

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1   document we didn't talk about are exit interviews
2   done with a departing employee. Do you know
3   where -- in what system those would be stored?
4 A   Yes.
5 Q   What system?
6 A   It's a database. So Insight is the front-end.
7   It's a SQL database.
8 Q   So does that mean you could query the database to
9   pull all, for example, exit interviews for tech
10   writers?
11 A   We could pull that data. Yes.
12 Q   How long would it take to do that?
13 A   I don't know how many departed tech writers there
14   are. It would -- a day or two process.
15 Q   Okay. And how long is information kept in the
16   database?
17 A   It goes back before the start of this litigation.
18 Q   Okay. So there would be no need to go to backups
19   in order to get exit interviews for people who
20   fall within the time period of this litigation?
21 A   Correct.
22 Q   And also on the topic of HR, would the college
23   major be a kind of information that would be
24   stored in any of Epic's HR systems?
25 A   Yes.

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1 Q   What system would that be stored in?
2 A   It would be part of the hiring process. So Taleo
3   or Avature.
4 Q   So it would not be found in Insight?
5 A   Not to my knowledge.
6 Q   Could Avature be queried to pull a list of college
7   majors for people who are tech writers?
8 A   Repeat the question.
9 Q   Sure. Well, is Avature, is that another SQL
10   database or a database that you could run queries
11   to pull reports from?
12 A   Yes.
13 Q   Could such a query be the college majors of people
14   applying for a specific position?
15 A   To the best of my knowledge, yes.
16 Q   Okay. And would you be able to run a report like
17   that for data in Taleo?
18 A   As discussed before, Taleo is that Oracle database
19   that we don't fully know the structure of. So
20   with some time, we could figure out where the
21   major is.
22 Q   Okay. Do you have an estimate of how much time
23   that would take?
24 A   For finding major, should be done in a day.
25 Q   Okay.

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1   MS. MADDEN: Okay. That's all.
2   Thank you.
3   THE WITNESS: Okay. Thank you.
4   MR. CARLE: I have no questions.
5   Thank you.
6   We'll reserve signature.
7   (Adjourning at 11:20 a.m.)

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1 STATE OF WISCONSIN)
) ss.
2 COUNTY OF DANE   )
3   I, SARAH FINLEY PELLETTER, a Registered
4 Professional Reporter and Notary Public duly
5 commissioned and qualified in and for the State of
6 Wisconsin, do hereby certify that pursuant to notice,
7 there came before me on the 25th day of
8 February 2016, at 9:01 in the forenoon, at the
9 offices of Hawks Quindel, S.C., Attorneys at Law,
10 222 West Washington Avenue, Suite 450, in the City of
11 Madison, County of Dane, and State of Wisconsin, the
12 following named person, to wit: BRIAN W. BENZ, who
13 was by me duly sworn to testify to the truth and
14 nothing but the truth of his knowledge touching and
15 concerning the matters in controversy in this cause;
16 that he was thereupon carefully examined upon his
17 oath and his examination reduced to typewriting with
18 computer-aided transcription; that the deposition is
19 a true record of the testimony given by the witness;
20 and that reading and signing was not waived.
21   I further certify that I am neither
22 attorney or counsel for, nor related to or employed
23 by any of the parties to the action in which this
24 deposition is taken and further that I am not a
25 relative or employee of any attorney or counsel

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1   employed by the parties hereto or financially

2   interested in the action.

3   In witness whereof I have hereunto set my

4   hand and affixed my notarial seal this 3rd day of

5   March 2016.

6

7

                    Notary Public, State of Wisconsin
8   Registered Professional Reporter

9

    My commission expires
10 July 10, 2016

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